



## **PLANNING DIRECTOR'S HEARING AGENDA**

**WEDNESDAY, July 26, 2006**

9:00 a.m.  
City Council Chambers  
City Hall

200 East Santa Clara Street  
San Jose, California 95113-1905

### **Hearing Officers**

**Susan Walton, Principal Planner**

**Mike Enderby, Acting Principal Planner**

**Joseph Horwedel, Acting Director  
Planning, Building, and Code Enforcement**

## NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 535-7800 (VOICE), 294-9337 (TTY) at least two days, (48 hours) before the meeting. If you requested such an accommodation and have not already identified yourself to the technician seated at the staff table, please do so now. If you did not call in advance and do now need assistance, please see the technician.

## NOTICE TO THE PUBLIC

Good morning, this is the Planning Director's Hearing of **July 26, 2006**. My name is \_\_\_\_\_ and I am the Hearing Officer for today's agenda. On behalf of the Planning Director, I would like to welcome you to this Public Hearing. Please remember to turn off all cell phones and pagers. A copy of the agenda is available on the table by the door for your convenience. A validation machine is available up the stairs at the rear of these chambers for parking tickets for the garage underneath City Hall.

The procedure for this hearing is as follows:

- Hearing Officer will identify the project as described on the agenda
- Staff report
- After the staff report, applicant and/or representative will have up to 5 minutes to speak and should make themselves known as their item comes up by approaching the microphone and identifying themselves and stating their home address, or just wave from the audience if you do not wish to speak
- Public testimony of up to 2 minutes, either for or against the project. Please state name and home address for the record
- After the public testimony, the applicant may make closing remarks of up to 5 minutes
- The Hearing Officer may ask questions of the speaker
- The public hearing will then be closed and the Hearing Officer will take action on the item. The Hearing Officer may request staff to respond to the public testimony, ask staff questions, and discuss the item

**If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.**

**The Planning Director's action on these agenda items is final when the permit is signed and mailed, unless the permit is appealed.** The Planning Director's actions are appealable in accordance with the requirements of Title 20 of the Municipal Zoning Code.

**Note:** If you have any agenda changes, please contact Gina Robles ([gina.robles@sanjoseca.gov](mailto:gina.robles@sanjoseca.gov)).

# **AGENDA**

## **ORDER OF BUSINESS**

### **1. DEFERRALS**

Any item scheduled for hearing this morning for which deferral is being requested will be taken out of order, to be heard first on the matter of deferral. A list of staff recommended deferrals is available on the table. I will identify the items to be deferred and then ask for comments from the audience. If you want to change any of the deferral dates recommended or speak to the question of deferring these or any other items, you should say so at this time. I will now open the public hearing. The following items are proposed to be deferred.

- a. **TR06-078. Tree Removal Permit** to remove two palm trees from the front yard of an existing single-family residence on a 0.23 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at/on the 1172 Culligan Boulevard (1172 CULLIGAN BL) (Mercado Raymond And Nancy E Trustee, Owner). Council District 10. CEQA: EXEMPT. **DROPPED.**
- b. **TR06-081. Tree Removal Permit** to allow the removal of one Box Elder tree, approximately 105 inches in circumference, on a 0.16 gross acre site in the R-1-8 Single-Family Residence Zoning District, located on the south side of Radio Avenue, approximately 158 feet east of Curtner Avenue (2263 Radio Avenue) (Duelngen James F And Stephanie S, Owner). Council District 6. CEQA: Exempt. **DROPPED.**

**The matter of deferrals is now closed.**

### **2. CONSENT CALENDAR**

#### **NOTICE TO THE PUBLIC**

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by the Director of Planning, staff, or the public to have an item removed from the consent calendar and considered separately. If anyone in the audience wishes to speak on one of these items, please come to the podium at this time.

- a. The projects being considered are located on west side of South 10<sup>th</sup> Street, approximately 330 feet northerly of Burke Street (2157 South 10<sup>th</sup> Street), in the HI - Heavy Industrial Zoning District (Provident Holdings & Investments LLC, Owner). Council District 7. SNI: None. CEQA: Exempt.
  - 1. **HA70-018-01. Site Development Permit Amendment** to construct a 30,900 square foot mezzanine level addition to an existing industrial use and to allow site improvements on a 3.98 gross acre site.
  - 2. **T05-112. Tentative Map Permit** to reconfigure 1 parcel into 1 lot for 12 industrial condominium units on a 3.98 gross acre site.

- b. **H06-023. Site Development Permit** to construct a 499 square foot addition to an existing duplex on a 0.14 gross acre site in the R-2 Two-Family Residence Zoning District, located at the east side of Senter Road, approximately 60 feet northerly of Sylvandale Avenue (3586 Senter Road) (Truong Nhu-Y-T, Nguyen Minh, Owner). Council District 7. SNI: None. CEQA: Exempt.
- c. **H06-026. Site Development Permit** to allow the replacement of an existing 300,000 gallon Fabritank with a 500,000 gallon (2,828 sq.ft.) steel tank for the temporary storage of water at an existing industrial facility on a 4.84 net acre site in the HI Heavy Industrial Zoning District, located on the east side of Little Orchard Street, opposite of Cimino Street (1990 Little Orchard Street) (General Electric Co, Owner). Council District 7. SNI: None. CEQA: Exempt.
- d. **PDA94-054-01. Planned Development Permit Amendment** to allow 4,659 square foot garden center expansion to an existing Wal-Mart retail store on a 18.27 gross acre site in the A(PD) Planned Development Zoning District, located on the north side of Story Road, approximately 350 feet easterly of Remillard Court (777 Story Road) (CRICKM San José Trust, Owner; Wal-Mart Stores Inc., Developer). Council District 7. SNI: None. CEQA: Exempt.
- e. **TR06-092. Tree Removal Permit** to allow the removal of one (1) Fir Tree approximately 90 inches in circumference in the R-1-8 Single-Family Residence Zoning District, located at 3097 New Jersey Avenue (Spinazze Mary L Trustee, Owner). Council District 9. CEQA: Exempt.
- f. **TR06-075. Tree Removal Permit** to remove one palm tree, approximately 87 inches in circumference, on a 0.12 gross acre lot in the R-1-8 Single-Family Residence Zoning District, located on the west side of Spencer Ave, approximately 450 feet north of Willow Avenue (1007 Spencer Avenue) (Oros Mary J, Owner). Council District 6. CEQA: Exempt.
- g. **TR06-101. Tree Removal Permit** to allow the removal of one Pine tree, approximately 88 inches in circumference, on a 0.61 gross acre site in the R-1-8 Single-Family Residence Zoning District, located on the northeast side of Newport Avenue, approximately 445 feet east of Minnesota Avenue (1460 Newport Avenue) (Ritchie James E And Mary J, Owner). Council District 6. CEQA: Exempt.
- h. **TR06-105. Tree Removal Permit** to allow removal of one Apple tree, approximately 59 inches in circumference, on a 0.19 gross acre site in the R-1-8 Single-Family Residence Zoning District, located on the south side of Clark Way, approximately 270 feet west of Newport Avenue (1230 Clark Way). Council District 6. CEQA: Exempt.

**The consent calendar is now closed.**

### 3. PUBLIC HEARING

- a. **SP06-044. Special Use Permit** to demolish an existing single-family residence and accessory structures totalling 3,900 square feet in area, and to remove eight (8) trees of varying sizes and species to accommodate future development on a 0.73 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at/on the southeast corner of New Jersey Avenue and Harris Avenue (2412 NEW JERSEY AV) (Cullen Robert W And Lim-Cullen June, Owner). Council District 9. SNI: None. CEQA: Mitigated Negative Declaration.
- b. **TR06-077. Tree Removal Permit** to allow the removal of one (1) Oak Tree, 100 inches in circumference on a 0.11 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at 1606 Babero Avenue (Decalles Rosa G Et Al, Owner). Council District 9. CEQA: Exempt.
- c. **TR06-070. Tree Removal Permit** to allow the removal of one Photocarpus tree, approximately 58 inches in circumference and one Jacaranda tree, approximately 77 inches in circumference, on a 1.53 gross acre site in the A(PD) Planned Development Zoning District, located on the southwest corner of Shasta Avenue and The Alameda (1100 Shasta Avenue) (Westminster Presbyterian Church, Owner). Council District 6. CEQA: Exempt.
- d. **TR06-088. Tree Removal Permit** request to obtain an after-the-fact permit for removal of one ordinance size Palm tree on a 0.21 gross acre site in the R-1-5 Single-Family Residence Zoning District, located on the southwest corner of the intersection of Wainwright Drive and Eisenhower Drive (598 Eisenhower Drive) (Zabarte Hilda Regina P, Owner). Council District 6. CEQA: Exempt.
- e. **H06-008. Site Development Permit** to construct a new two-family residence (duplex) with a total of approximately 2,250 square feet on a 0.12 gross acre site in the R-2 Two-Family Residence Zoning District, located at/on the west side of South 24th Street approximately 210 feet northerly of San Antonio Street (175 S 24TH ST) (Velasquez Martin, Owner). Council District 3. SNI: Five Wounds/Brookwood Terrace. CEQA: Exempt.
- f. **TR06-051. Tree Removal Permit** request to allow the removal of one Coastal Oak tree, approximately 76 inches in circumference, on a 0.30 gross acre site in the R-1-5 Single-Family Residence Zoning District, located on the north side of Dry Creek Road, approximately 1,800 feet south easterly of Meridian Avenue (2263 Dry Creek Road) (Constantino Frank Et Al, Owner). Council District 6. CEQA: Exempt.  
**Deferred from 7/17/06.**

PLANNING DIRECTOR'S AGENDA ON THE WEB:

<http://www.sanjoseca.gov/planning/hearings/default.asp>

PUBLIC INFORMATION COUNTER

(408) 535-7800 CITY OF SAN JOSE